

*A Thoughtful Article
for Thoughtful People*

on

*Prohibition and
Local Option*

together with

Methods Suggested

for the

*Regulation of the Liquor
Traffic*

and for the

Promotion of Temperance.

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PROHIBITION

The Obstacle to Real Reform


BY

the Reverend William A. Wasson



Mr. Wasson is a clergyman of the Episcopal Church. He thinks it a clergyman's duty to speak openly against any system which he believes to be a source of immorality and crime. Some folks say that it does not "look right" to be against prohibition. Mr. Wasson believes that no consideration of mere expediency should deter a clergyman from doing his duty. The object of a prohibitory liquor law is to lessen liquor drinking. Its effect seems just the opposite. Mr. Wasson has closely studied the matter for years and he explains here just wherein a prohibitory law fails in its object. He does not overlook the evils of the saloon. He submits a plan for the regulation of the liquor traffic which will make for temperance. This article will enable any man to decide whether or not a prohibitory liquor law will be for the good of his own neighborhood.

—Editor Pearson's Magazine.



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DURING the decade immediately preceding the Civil War, a great "temperance wave" swept over the country. Within a period of five years, eight states, viz., the six New England states, Michigan and Nebraska, adopted prohibition. New York, Indiana and Wisconsin also enacted prohibitory laws, which, however, never went into effect, having been declared unconstitutional by the highest courts in those states.

Now, again, after a lapse of fifty years, the country is witnessing another "temperance wave," which has already risen higher than its predecessor. Nor is the end yet in sight. While in some sections of the country, the "wave" has spent its force and appears to be receding, in other sections it is increasing in volume and strength. There are, at present, eight states in which statutory prohibition obtains—four in the South, three in the West and one in New England. Under the Local Option system, a number of other states are being prohibitionized on the installment plan. Not long ago it was estimated that saloons were being closed at the rate of thirty a day—nearly 11,000 a year.

The prohibition leaders boast that, while ten years ago there were only six million people living in "dry" territory, there are now thirty-eight million. If prohibition and temperance be the same thing, we are certainly making prodigious strides toward the millennium. But sober-minded people

have no faith in the professions and promises of prohibitionists. Fifty years ago, the leaders of the crusade thought they saw the dawn of the perfect day, when there would not be a dram shop nor a drunkard in all the land. They were confident that the problem of intemperance, which had perplexed and baffled mankind for thousands of years, was as good as solved. The great dragon was about to be slain and his dead carcass hurled into the bottomless pit. But it turned out to be all a dream. The dragon was not slain; he was not even seriously wounded. If he disappeared at all, it was only to betake himself to the cellar to await the passing of the storm. In the course of a few years, the "temperance wave" passed away, and the frenzy and hysteria that caused it, and was caused by it, died out.

The crusade not only did not solve the liquor problem, but it complicated the problem with new difficulties. The states that adopted the prohibitory system soon found themselves confronted with two evils instead of one, the old disease of intemperance and the new "remedy" of prohibition. And now, the successors of the men that rallied round the standard of Neal Dow are making precisely the same promises and predictions that were made of old. They assure us that the present movement means business. They prophesy that this wave will not subside until it has swept over every foot of American soil and has done to the "rum" traffic what Jehovah did to the Egyptians in the Red Sea.

Prohibitionists have simplified the liquor problem at the expense of truth, reason and common experience. Instead of suiting the remedy to the disease, they have tried to make the disease conform to their predetermined remedy.

The liquor problem is one of the most

complex of all social problems. It does not stand out alone, simple, distinct and isolated, as prohibitionists would have us believe. It is at once a moral, an economic, a physiological, a psychological and, in its final analysis, a purely personal problem. It contains many elements and involves many perplexing difficulties. When we look below the surface, and study this problem in its deeper aspects, we find that its roots are inextricably intertwined with those of other social problems. So that genuine and thorough temperance reform must be conducted along many different lines.

The liquor problem is not exclusively nor chiefly a legislative problem, and hence it cannot be solved by legislation alone. The evil of intemperance is not caused, though it may be aggravated, by bad legislation, and it cannot be removed, though it may be lessened, by good legislation. The main lines of temperance reform, the most potent agencies for the building up of moral character (and moral character is the basis of temperance in all things), lie wholly outside the scope of legislation. Legislation has, of course, its part to play—and a not unimportant part—in any comprehensive program of temperance reform; but when legislation encroaches on the domain of the church and the home, when it ventures to act as a substitute for purely social and moral agencies, it not only fails to accomplish any good, but causes the greatest harm. Speaking generally, the work that legislation can do in the moral sphere is of a negative character—preventing and suppressing the evil—while work of a positive character must be done through other agencies. In undertaking temperance reform work along any line, we must learn to be patient, and to be modest in our expectations. We must bear

in mind that temperance reform is very largely a matter of moral and social evolution.

Liquor legislation must necessarily follow one of two general policies. It may aim at the abolition of the liquor traffic, or at the regulation of the traffic. These two policies are extreme opposites at every point and in every feature. The object of one is to kill, that of the other is to cure. It is on this broad question of general policy that the people are divided to-day.

No legislative system has ever been more extensively nor fairly tested than that of prohibition. During the last sixty years it has been tried on the state-wide scale in many different sections of the country and under the most diverse social and political conditions, the periods of trial ranging from three years in Nebraska to fifty-three years in Vermont. By its record, by what it has done and by what it has not done, prohibition must be judged. On every page of that record, from beginning to end, are written the words failure, folly, farce. Nowhere and at no time, in all its history, has prohibition accomplished a single one of its avowed objects. Nowhere has it abolished the liquor traffic; nowhere has it prevented the consumption of liquor nor lessened the evil of intemperance. Neither as a state-wide system nor under Local Option has prohibition ever made the slightest contribution toward the solution of the liquor problem. The one solitary service that it has rendered to society is that of furnishing a warning example of the supreme folly of attempting to legislate virtue into men's lives.

There could be no stronger evidence of the failure of prohibition than the fact that seven of the eight states that adopted the system fifty years ago, have since abandoned it and gone back to the policy of

license and regulation. The people of these states adopted prohibition in good faith. They honestly and earnestly desired to wipe out intemperance. They realized that intemperance was directly or indirectly the cause of much crime, poverty and disease; that it was a financial burden on the state; and that it was a hindrance to material prosperity and to moral progress. They thought it was a better policy to abolish than to license and regulate a traffic that seemed to them to be the root and source of this evil. Now, to claim that prohibition was even measurably successful in these states, that it accomplished even a little good, is to insult the intelligence of the people of New England. No sensible person can believe that these seven states would have deliberately repudiated a system that they had adopted in high hopes and with high moral purpose, if they had found that that system was making for sobriety, prosperity and good citizenship.

In view of the fact that it is always easier to secure the enactment than the repeal of laws of a reputed moral purpose, the repudiation of prohibition by these states is all the more significant. The only conclusion consistent with reason and common sense is that the people, after years of bitter experience, found that they had built on false hopes, and that conditions were not only no better but far worse under prohibition than they had been under the license system. It is also very significant that the states that were swept off their feet by the prohibition wave fifty years ago, are among those states that are being least affected by the present agitation. And even Maine, which is the only one of these states that has retained prohibition all these years, is actually showing unmistakable signs of genuine repentance. It is conceded on all sides that a decisiv

verdict against prohibition would have been rendered at the last state election in Maine, when resubmission was a prominent issue, if it had not been for the fact that it was a presidential year. Prohibition is generally least popular when it is best known.

If prohibition really prohibited, the fact ought to be reflected in the figures of the U.S. Revenue Department. But, according to the government reports, the use of alcoholic liquors actually increases with the spread of prohibition. In 1893, the year the Anti-Saloon League was organized, the per capita consumption of malt and spirituous liquors in the whole country was 16.6 and 1.46 gallons respectively. In 1899, when only six million people were living under prohibitory laws, the figures were 15.8 and 1.11. In 1907, when approximately 35 million people were living in "dry" territory, the figures had risen to the high-water mark, 2.20 and 1.58. The report of 1908 shows a decrease of about 10 per cent. in spirituous liquors as compared with 1907, while the consumption of malt liquors was about the same for both years. Thus we are confronted with the remarkable fact that, in 1908, when the prohibition wave had reached enormous proportions and was wiping out saloons at the rate of 11,000 a year, the American people consumed more liquor per capita than they did in any previous year since 1893, the year 1907 alone excepted.

Now let us turn for a moment to our old friend, the state of Maine. That prohibition has been a failure and a farce in that state is a matter of common knowledge. No one who is not a blind partizan will deny this. Four years ago, Governor Cobb, a sincere prohibitionist and an honest, outspoken man, declared, in his inaugural address, that the state ought to be ashamed of itself to have a prohibitory

law on its books and to make that law a laughing stock of the nation. And he insisted that, as a matter of common honesty, the law ought to be either enforced or repealed. Recorder Whelden, of Portland, recently made this statement: "There are at least 400 men and women who are brought before this court time and again for intoxication." Think of it, four hundred habituals in a city from which the liquor traffic is supposed to have been banished sixty years ago! During four years, up to January 1, 1907, in Portland, liquors were seized on 75 streets and alleys and at 445 different places; and 832 different persons were brought into court for violation of the liquor law.

The Report of the Committee of Fifty, based on a most thorough and extensive investigation of conditions in Maine, tells the whole story of the miserable failure of prohibition throughout the whole state. Everyone that has traveled through Maine knows that there is not a town in the state where even a stranger, if he take the trouble to make inquiry, cannot get all the liquor he wishes, such as it is. And in many places the stranger is waited on by some considerate person who asks him whether he would not like "something." The statistics relating to arrests for drunkenness and deaths from alcoholism in Maine all tell the same tale. They spell the word failure.

In response to the loud clamorings of the Anti-Saloon League, the legislature of Georgia enacted a prohibitory law a couple of years ago. The act went into effect January 1, 1908. For a short time, the new law seemed to have a good effect. Judging from surface indications, it looked as if prohibition might at last break its long record of failure and actually stop the sale of liquor. But, again, it was all a dream,

and a very short dream, too. The drinkers adjusted themselves to the "dry" system, and were soon hobnobbing as openly and boldly as ever with the old Demon. Conditions kept going from bad to worse, and before the law had been on the statute books a year, it was clearly evident to everybody that had even half an eye that prohibition in Georgia had broken down.

Here is the testimony of two of the prohibition leaders themselves. Rev. Dr. Holderby of Atlanta, an ardent prohibitionist, said last winter: "The legislature is afraid to stand by the very law which it enacted twelve months ago. Atlanta has become a laughing stock and a stench in the nostrils of the Almighty." This confession must have been very humiliating to the good parson, as he had been telling his people right along that he knew it to be a fact that the Almighty was on the side of prohibition. Assistant Superintendent Richards, of the Anti-Saloon League, utters this wail: "Beer is sold here right and left, and I know it. You can get whisky, too; for what does it mean when twenty-seven carloads of beer and whisky are shipped here?" Well, Brother Richards, it means, in the first place, that there are a good many thirsty people in Atlanta, and in the second place, that your prohibitory law is a humbug. Other leading prohibitionists speak in the same strain as the two just quoted. Conditions in Atlanta are a sample of those that obtain all over the state.

Just a word about prohibition under the Local Option system. The writer is very familiar with the working of prohibition in a number of the towns on the east end of Long Island, and from his own observation during the last seven years he can testify to the fact that in every one of these "dry" towns, prohibition has been a disgusting farce every time it has been tried. In the

writer's own town the record of prohibition may be summed up in the admission of the local Anti-Saloon leader, that "anybody can get all the liquor he wants in this town under either license or no-license." That no-license has failed to accomplish any good on Long Island, may be inferred from the fact that at the elections, last spring, every town on the Island was carried for license by a decisive majority. The Anti-Saloon League made the fight of its life, but it was of no use. The people knew all about the "blessings" of prohibition, and they concluded that they had had enough. The prohibitionists lost every town they then held, including conservative old East Hampton, which gave a majority for license for the first time in fifty years.

Many and various are the reasons why prohibition in this country has proved a failure. The following considerations will reveal a few of the more general reasons.

Prohibition is an attempt to deprive men of what they believe to be an inherent right. The question of individual rights is the under-lying issue in this whole controversy. Majority rule is, of course, a sound political principle, but it is obvious that the application of this principle must be confined within reasonable limits. If a majority has a right to say to a minority: You shall not drink beer, another majority has the right to say to another minority: You shall not drink tea. Now, if the people in any state or town should take it into their heads to enact a law prohibiting the use of tea, what a fearful howl would go up from the "temperance" camp, and what an unenviable job the officers would have in attempting to enforce such a law! "What, deprive us of our right to serve tea. Why, it's an outrage!" "Oh, but we, the majority, made up as you know of the better element, have thorough-

ly investigated this matter, and we have found that tea is very injurious. In fact, it's a poison. Look at the thousands that have gone down to tea-topers' graves! Look at the army of innocent little children that have been left motherless," etc., etc. As a matter of fact, many experienced physicians believe that tea and coffee cause quite as much trouble in the world as alcohol. The "temperance" people will retort: "Yes; but there is a wide difference between beer and tea." Of course there is, and that is just why so many people prefer the beer. But there is no difference between the right to drink the one and the right to drink the other. Everywhere and always, outside the Islam, while drunkenness has been condemned, the moderate use of alcoholic beverages has been a common custom and has been regarded as the inherent right of the individual.

The use of alcoholic liquors is and has always been considered not only legitimate as a beverage, but it is consecrated and hallowed in the most solemn and weighty rite of the Christian Church. Now you cannot, by a mere law, eradicate a sentiment and destroy an institution that has stood for ages, and that is so deeply rooted in our whole social life. Prohibition condemns the conscience, the judgment and the social habits of countless generations of the most highly civilized, progressive and moral peoples. Moreover, prohibition passes condemnation on a great branch of industry that has been recognized throughout all ages as legitimate, an industry in which some of the most venerable and honored religious orders of the Christian Church have been and are to-day engaged. Prohibition necessarily fails because it makes no discrimination between use and abuse. It arbitrarily makes a legal crime

of an act which is neither wrong in itself nor contrary to the rights and interests of society. Because two or three men use liquor to excess, prohibition would compel a hundred temperate men to follow the rule of total abstinence. One man is lame, and therefore all his neighbors must use crutches.

Again, prohibition has failed because it is wholly negative and destructive. You cannot remove an effect until you remove the cause. You cannot abolish the liquor traffic until you abolish the source of the traffic. It is not the liquor traffic that creates the demand for liquor; it is the demand for liquor that creates the traffic. And just so long as the demand continues, just so long will the supply of liquor be forthcoming in one way or another. The attempt to abolish the liquor traffic by a prohibitory law is as futile as would be the attempt to dry up a river by building a dam. Prohibitionists seem to imagine that they are dealing only with the comparatively few liquor dealers; whereas they are dealing with the vast multitude of men that are determined to use liquor. They tell us that the saloon is a curse. Well, be that as it may, the practical question is, what blessing does prohibition furnish as a substitute? Absolutely none, unless it be the W. C. T. U. mothers' meeting and the weekly prayer meeting. These institutions, excellent as they are in their place, are hardly adapted to satisfy the social needs of the masses. Students of social science, men who have spent years in observing and studying the saloon and the saloon constituency, whatever views they may hold as to the character of this institution as it now exists, agree unanimously on the following three propositions:

1. That the saloon fills a legitimate social need.

2. That it is practically the only institution that does fill this need.

3. That it is worse than useless to attempt to abolish the saloon until some suitable institution be established as a substitute.

The lives of the great majority are dull and monotonous. The proportion of pleasure and leisure is meager and insufficient. This is as true of rural as of urban life, but it is too largely true of the masses everywhere. And whatever will lighten and brighten and cheer their lives without too great a sacrifice will not be readily surrendered in the interest of a questionable moral reform. If men cannot get this pleasure openly, they will get it surreptitiously, and even if it could be taken from them by force, they would resort to substitutes which, in all likelihood, would be far more injurious. The saloon exists because there is a demand for it. A prohibitory law certainly does not remove this demand. It does not eradicate the social instinct and the desire to drink that lie back of the demand. In short, it does not destroy a single one of the elements that constitute the life and power of the saloon. It does not introduce into the community a single element that acts as an antidote for the saloon. The whole root of this institution remains in the community intact, undisturbed and vigorous. Under these circumstances it is inevitable that the saloon, in one form or another, will continue to serve its customers.

Law enforcement is, in the long run, dependent on public sentiment. Moreover, public sentiment, in order to make itself felt, must be active, alert and persistent. A mere vague wish that the law be enforced is not enough. The wish must be followed up by well-organized effort. When you find a community in which the govern-

ment is ring-ridden and corrupt, it does not mean that the public sentiment is in favor of such conditions. It means that public sentiment is impotent because it is either inactive or unorganized. Thus it occurs that small minorities can defy, and are to-day defying, the will of large majorities.

Just how much of this active and determined public sentiment is required to insure strict law enforcement, depends largely on the character of the law. A stringent, harsh, sumptuary law, like prohibition, could not be enforced unless it had on its side an almost unanimous public sentiment, vigilant and well-organized. Such a law has all the odds against it. It has an uphill job from the outset. Public officials are, as a rule, far more inclined to heed and yield to the voice of protest against the enforcement of a law of this kind than they are to make an extraordinary effort to enforce the law in obedience to the demand of the other side. Under state-wide prohibition, there are many communities where the majority sentiment is strongly opposed to enforcement, and even prohibitionists admit that, in such communities, the law becomes a mere farce.

But even under the Local Option system, which is supposed to insure local majority rule, prohibition, in a great many instances, does not actually represent a majority of the electorate. And the reason is that at a local option election, a considerable proportion of the voters do not mark the excise ballot at all. In the writer's own town, the vote on the license question, during the last fifteen years, has always fallen from 12 to 20 per cent. short of the total vote cast on other questions and for candidates for offices. During the period in question the town has been carried for no-license a number of times, and in every instance by a minority of the total vote

polled. Moreover, the public sentiment in favor of prohibition is not only not strong enough in quantity to enforce the law, but even what there is of it is not of the right quality.

The great majority of those that vote for prohibition are full of zeal and enthusiasm up to the time of the election; but after election their enthusiasm dies out, and they leave it to others to attend to the matter of law enforcement. They think that in merely casting their ballots for prohibition they have done their full duty and saved the country. The writer has watched the prohibitionists in his town for seven years and he can testify that not two per cent. of the men that vote for no-license ever lift a finger or contribute one cent to have the law enforced under either system.

The prohibition public sentiment is of that cheap, shallow, emotional variety that exhausts itself in all manner of hysterical performances during the campaign. Over against the inherent weakness of this prohibition sentiment is the public sentiment opposed to the enactment and to the enforcement of the prohibitory law. This sentiment is of a very different kind from the other. There is nothing frenzied nor hysterical about it. But it is determined, active and persistent. It knows what it wishes and, what is more to the point, it knows how to get what it wishes. It doesn't exhaust itself before election nor grow indifferent after election. Indeed, as soon as the town goes "dry," this anti-prohibition sentiment begins to arouse itself and warm up.

A man in a "dry" town wishes a drink, and he knows where he can get it. That man is far more interested in getting his drink than his prohibition neighbor is in preventing him from getting it. And when you multiply this one drinker by a number

representing half or more of the male inhabitants of the community, you have an idea of the relative strength of the two kinds of public sentiment, and, if you have any power of imagination, you know why prohibition does not prohibit. There is said to be a good deal of the mule about human nature, and a prohibitory law is beautifully adapted to bring out the mule quality. People resent the idea of being held up by a lot of hysterical women and meddlesome men who conceive it to be their right and duty to regulate the personal habits of their neighbors.

Prohibition has not only failed to accomplish its avowed object, but it has been the greatest obstacle to true temperance reform in this country during the last fifty years. Other nations are far ahead of us in the way in which they handle the drink question, and one reason is that they have not been so much disturbed by "temperance waves." Prohibition attempts to do that which is impossible and prevents the doing of that which is possible. If the liquor problem, in its legislative aspects, is ever going to be solved, the solution must be found along the line of regulation, and the sooner we set our feet on the right path the sooner we shall reach the desired end.

Nothing is more certain than that every State and local community in which prohibition now obtains will ultimately have to return to the policy of regulation, and just so long as the prohibitory law remains on the statute books, just so long will the day of reformation be deferred. Prohibition is like the quack doctor who cannot cure the patient himself and will not allow anybody else to take the case. The present hysterical crusade is itself an obstacle to reform even in places where the license law obtains. It is a drain on the moral energy of the com-

munity. It creates contention, confusion and bitter strife. It attracts and leads astray many well-intentioned but unthinking people, whose interest in moral reform and whose zeal and enthusiasm would, if wisely directed, be of great value to the community. These people become infatuated with a blind faith in the power of prohibition to regenerate society, and they will listen to nothing else. If you suggest to them some proposition of reasonable reform, they fly off into a rage and denounce you as a traitor to the country and an enemy of religion.

Prohibitionists not only refuse to support, but actively and bitterly fight against, every plan of excise reform that does not go to their extreme. It must be abolition or nothing; their motto is rule or ruin. In their blind zeal they actually rejoice in iniquity. The disreputable saloon is far more to their liking than the decent saloon, for the more disreputable the saloon the more ammunition for the campaign. If all saloons were made decent and orderly, the bottom would soon drop out of the prohibition movement. Tell a prohibitionist that such and such a saloon is certainly a respectable place, and you arouse his fiercest anger. He would rather hear that a murder had been committed in one of the "hell holes." In his estimation the respectable saloon is the very worst kind, as it deceives and beguiles the unwary youth to his destruction.

The real character of the prohibition movement is thus seen in the way it reacts on the prohibitionists themselves. They throw truth and reason and experience to the winds, and often resort to the most contemptible and disgusting methods to gain their end. Some time ago, a traveling salesman who lives in a town in the Middle West, was returning home from a trip. On arriving at his station, he noticed that the

streets were filled with people. Making his way through the crowd, he discovered that a no-license parade was in progress. It was a long procession, made up of women and children. They carried banners and flags, and sang "temperance" songs. Every child wore a badge on which were the words, "Vote for us; we cannot." At the end of the procession were several files of children dressed in rags and tatters. One of these, a boy, carried a huge banner. Printed on the banner, in large letters, were these words: "My father is a drunkard." Our friend the salesman looked at the banner and then happened to glance at the boy. Suddenly an expression of amazement came over his face, and, breaking through the crowd, he ran up to the ragged banner bearer, and grasping him by the arm, exclaimed: "My God, what are you doing here, my boy?" It was this gentleman's own son that had been dressed up in these rags by the good "temperance" women and sent out to carry this banner of shame and humiliation through the streets. This exhibition is a sample of the methods employed by prohibitionists to gain converts to their cause.

If these children really had drunken fathers, it was unspeakably brutal and cruel to make such a spectacle of them before the public. If their fathers were not drunkards, the whole thing was a cheap, theatrical performance deliberately intended to create a false impression on the public mind. And all this fraud and vulgarity in the name of temperance and religion!

Here is another example of the intemperate "temperance" of prohibitionists: A professor in one of our universities accepted an invitation to speak at a "temperance" rally in a church. In the course of his remarks he referred to the miracle at Cana, and expressed himself thus: "I have given

this matter profound thought, and I wish to say to you that I have reached the conclusion that when Christ turned that water into wine, he did what was wrong." Blind passion, wild fanaticism and bitter intolerance are the chief characteristics of the whole prohibition movement. It must be apparent to every sane and reasonable mind that the sooner this miscalled "temperance" crusade is buried out of sight and forgotten, the sooner the way will be cleared for genuine temperance reform.

Finally, prohibition must be condemned, not only because it has failed to accomplish any good, not only because it blocks the way to real reform, but because it is itself the source of many social and political evils. These evils are briefly summarized as follows:

1. Prohibitory legislation has never succeeded in abolishing the liquor traffic, but it has succeeded in degrading and demoralizing the traffic by driving it into secret places. The liquor laws in most of the states prohibit the use of shades in saloon windows and screens in front of the bar. This wise provision is based on the common experience that the liquor business is of such a nature that it is far more likely to do harm when it is carried on under cover than when it is open and above board. Now prohibition forces the liquor traffic to secrete itself, not merely behind a screen, but behind a barricaded door. The door is quickly opened for those that know the password, but shut against the officers of the law. The only practical question that confronts us is whether we shall permit the liquor traffic to be carried on openly under the supervision and control of the law, or whether we shall drive it into places where the arm of the law cannot reach it. License means the open barroom, prohibition means the

"speak easy." Which of two kinds is the more likely to harbor evils and encourage intemperance?

2. If there is any one business more than another that, in the interest of the public, ought to be in the hands of men with conscience and moral principle, it is the liquor business. A proper kind of license law can do considerable toward improving the personnel of the trade. Prohibition, on the other hand, discourages decent, honorable men from engaging in the business, and thus throws it into the hands of the most unscrupulous and irresponsible men in the community. The only qualification required to do business under prohibition is the ability to beat the law without getting caught. A couple of years ago, in a certain town on Long Island, one of the best hotels had to close its doors shortly after the "dry" law went into effect. The proprietor of this hotel was one of the most honored men in the community. Prohibition did succeed in closing this man's bar and driving him out of the hotel business as well, and it closed other decent places. But what was the result? Why, within two years between fifty and sixty "kitchen saloons" were established in this same town. It is a well-known fact that most of the men that run these "speak easies" in a "dry" town are thoroughly satisfied with prohibition. A license law would put them out of business. Again the only question is: shall we encourage and protect the decent liquor dealer, or shall we encourage the other kind? One kind or the other we are absolutely sure to have.

3. Prohibition has a bad effect also on the drinker. It tends to discourage the use of the lighter alcoholic beverages and to encourage the excessive use of the strongest liquors. This tendency is especi-

ally pronounced wherever the attempt is made to enforce the law rigorously. Deterioration in the quality of liquor is another one of the "blessings" introduced by prohibition. The men who run the "speak easies" often make their own "whiskey," and you can imagine the nature of the "blend." A few years ago, when the town in which the writer lives was "dry," a confirmed inebriate who lived in an adjoining "wet" town, got in the habit of visiting this "dry" town about once a fortnight. He was always sober when he arrived and drunk when he left. He was once asked why he came from a "wet" town to a "dry" town to get liquor, and his answer was : "Because I can get a quicker and cheaper jag on in Riverhead than I can in——." This is the way prohibition reforms the drunkard! It is often claimed that while prohibition does not altogether prohibit, it does succeed in reducing the consumption of liquor. This claim is not based on fact. But even if it be true that less liquor is drunk in a given community under prohibition than under the license system, the all-important question, from the point of view of temperance reform is, what class of people are thus affected? Who are the men that either cannot get anything to drink or cannot get as much as they would under license? Now, everybody who is not living in a land of dreams, knows perfectly well that the very men in every community who most need reforming are the ones that are least inconvenienced by the prohibitory law. They are the first ones to learn the location of every "speak-easy" in the place. But, if prohibition cannot reform this class may it not at least keep temptation out of the way of the young? Now, the truth is that all this talk about "protecting our boys" is sheer twaddle. The protection is

a myth. Prohibition really creates the most dangerous kind of temptation—that which is hidden, but known. Every young man that is at all liable to be led astray under the license system, is far more liable to go astray under a system that encourages secret drinking. Who wouldn't rather have his son go into an open saloon and get a glass of beer than to have him join his companions in some back-room resort? If there is any class of young men in the community that need the protection of the law, they are certainly not the ones that frequent the W. C. T. U. prayer meeting when the town is "dry." While the good women are praying and thanking the Lord for the great blessing of prohibition, these young fellows are probably "protecting" themselves in the "club" room at the far end of some alley.

4. Prohibition creates widespread and habitual law-breaking. Consider the number of crimes that are committed every hour of the day in a "dry" state. And consider the bad moral effect of this habit of law-breaking on the civic life. It creates the spirit of lawlessness. It tends to weaken and break down that respect for the principle of law and order which is so essential to good citizenship. The following story shows how even good men are unconsciously affected by this baneful influence: Some years ago a clergyman went to a certain summer resort in New Hampshire to spend his vacation. On arriving in the town, he went to the leading hotel. While waiting in the office for the supper bell, he happened to open a door, and found, in the next room, a well-appointed bar. The proprietor was in this room, and the clergyman, pointing to the bar, said, "Why, Mr. ———, how ~ this?" "How's what?" asked the proprietor. "Why, you have a bar here, and you are evidently

open for business." The hotel man looked puzzled and said: "Of course I have a bar. Couldn't you get what you wanted?" "Oh, I didn't wish anything," answered the minister, "but I wondered how you could run an open bar in a prohibition town." The genial host felt relieved when he found that his guest was not complaining about his service. "Well, well," he said, "I didn't understand what you meant. Why, that's easy. I'll tell you how we work it up here. You see, I was high sheriff of this county last term, and, while I dislike to blow my own horn, I want to tell you that I did what very few men in this county would have done. Every three months I raided my own bar and had myself fined." As he finished this sentence, there was a look of genuine pride in the ex-sheriff's face. He seemed to be blissfully unconscious that there was anything wrong about violating the law. This story was told to the writer by the Rev. Dr. E. A. Wasson, of Newark, N. J., who was himself the clergyman that had this conversation with the hotel man.

Here is another story which shows the effect of prohibition as a breeder of rank hypocrisy. About four years ago, shortly after a certain town on Long Island went "dry," a hotel keeper in this town received a letter from a wholesale whiskey concern in Kentucky, reading something like this: "Will you kindly send us the names of any persons in your town who, you think, might be likely to purchase wet goods. We have a very fine brand of whiskey (naming the brand) that we should like to introduce in your town. We shall be glad to extend to you the usual courtesy of ten per cent. commission on all sales that we may make through the list you send us." Well, the hotel man thought he would have a little fun, and so he made

a list of about thirty-five of the most rabid prohibitionists in the place, and sent the list to the whiskey firm. He thought it would be a fine joke on the prohibitionists to have them deluged with whisky circulars. And it turned out to be a better joke than he thought. For, at the end of three months, he received a letter from the **whiskey** people thanking him for what he had done, and inclosing a check for twenty-seven dollars commission. This story throws light on the curious circumstance already referred to, that, as the prohibition movement spreads, the consumption of liquor increases.

Ex-President Eliot of Havard, sums up the whole case against prohibition in its effects on the social and political life. He says: "The efforts to enforce it (prohibition) during forty years past have had some unlooked-for effects on public respect for courts, judicial procedure, oaths and law, legislatures and public servants. The public have seen the law defied, a whole generation of habitual law-breakers, schooled in evasion and shamelessness, courts ineffective through fluctuations of policy, delays, perjuries, negligences and other miscarriages of justice, officers of the law double-faced and mercenary, legislators timid and insincere." Such is the character and the record of prohibition.

The writer of the present article does not wish to minimize the evils and abuses that have been allowed to grow up and intrench themselves in the liquor traffic. There is no doubt that some liquor dealers have condoned and encouraged conditions repugnant to moral sense and destructive of decency and good order. They have encouraged other vices, such as gambling and the social evil. They have catered and pandered to the worst passions and impulses in human nature. And they have

done all this in a cold-blooded desire to increase the volume of their business. But the number of such dealers is comparatively small. At the same time, one such man in the business is one too many. Liquor laws should be so framed, that it would be extremely difficult, if not impossible, for men of this stamp to get into the liquor business, and the law should also provide a simple and easy way to drive out those that have gotten in.

The limits of this article preclude a lengthy discussion of the question of a legislative remedy for the evils connected with the liquor traffic. But it will not be amiss to suggest a plan of regulation which, in the judgment of the writer, would be a step in the right direction.

In formulating liquor legislation, we should be guided by two fundamental principles. The first is practicability. The question to be determined at the outset is, what kind of excise law, under given conditions, with men as they are in their individual and social life, and with political standards as they are, will effect the best results. The trouble with much of our legislation is that it has ignored limitations imposed by actual conditions. Legislation is not the expression of ideals nor of moral yearnings. The law should represent the nearest approach to the ideal that present conditions will admit of. Another equally important consideration, following on this is that the same legislation is not adapted for all communities. Hence, liquor legislation should provide for a very large measure of home rule. But there is a right and wrong kind of home rule. The so-called local-option system that now obtains in many of the states, is the wrong kind. It is unsound in principle and demoralizing in its effects. It is at variance with the general policy of regulation. It

is part of the policy and program of prohibition. It is an instrument placed in the hands of prohibitionists to enable them to gain their end little by little. Now, all the features and provisions of a state liquor law should be mutually consistent and harmonious. All parts of the law should have the same general intent and conform with the same general policy. But, under the present local option system, the state is following two opposite policies at the same time. This kind of local option gives the local community too much power and too little power. The people have no power to say who shall receive licenses and what moral and other qualifications shall be required. They have no power to determine the question of prohibited days and hours; no power to determine the amount of the license fee, nor to set a limit on the number of licenses to be issued. There is no option on any of these matters of practical administration that properly come within the scope of local self-government. The community has option on only one question—whether the liquor traffic shall be legalized or prohibited. This local-option scheme reverses the true order of political administration. It withholds from the local community those minor but important powers that the people in the local community are in the best position to exercise wisely, while it confers upon the local community that supreme power of life or death over the liquor traffic which ought to be reserved in the hands of the state. Under this system the liquor dealers and the public are in a constant state of uncertainty as to the fundamental question of regulation or abolition. At every local-option election, there is the possibility of a complete revolution of policy. To-day the liquor business is just as legitimate

as any other business; to-morrow, it may be under the ban of the law. The question is never settled. Neither side ever wins a permanent victory. The state alone should settle this all-important question of the legality of the liquor traffic. A question like this, involving the fundamental rights of property and of personal liberty, should not be left to the decision of a majority vote at a local election. On the other hand, the state, after establishing the legality of the liquor business everywhere within its borders, should grant to the local community the fullest freedom and power in the matter of regulation.

Starting with this general principle of state rule in matters of general policy and home rule in matters of local administration, the following is a rough outline of the plan of regulation that the writer has in mind as a substitute for the present local-option system.

That the people in each local community (the township is probably the best unit) be empowered to elect their own Board of Excise Commissioners, twelve in number, to serve for a term of two years. This Board should have power to determine the amount of the license fee (within maximum and minimum limits fixed by the state); to determine how many licenses should be issued (within maximum and minimum limits fixed by the state); to determine the question of prohibited days and hours, and all other questions of a purely local nature. The Board should have sole power to grant and revoke licenses, subject to certain rules of procedure. The applicant should be required to present to the Board a certificate of good moral character, signed by twelve reputable persons, who should be property owners and residents of the community. The Board should be required to hold

a public hearing on all applications for license, and an opportunity be given to remonstrates, should there be any, to present their objections. After this hearing, the board should have full discretionary power by a majority vote to grant or refuse any application. And there should be no appeal from their decision. This power to grant licenses is the most important of all. It is the key to the whole situation. And this key should be placed in the hands of the people most nearly affected. If we can prevent unfit persons from getting into the liquor business, we have, at the very outset, solved nine-tenths of the problem of regulation. The trouble now is that almost anybody that has the price, whether he is morally fit or not, can get a license and start up a saloon. The law may require that the licensee be a person of good moral character, but that requirement amounts to simply nothing at all unless some person or persons be empowered to determine in each case the question of moral fitness. And who is better qualified to exercise this power than twelve men elected by and responsible to the people of the community? The board should also possess the sole power to revoke licenses. On the complaint of any citizen that a certain liquor dealer was violating the law or that he was maintaining a nuisance of any kind, it would be the duty of the board to hold a public trial of the matter, summon and swear witnesses, and give the accused person an opportunity to defend himself. After hearing all the evidence, the board should have power by a two-thirds vote to dismiss the case or suspend or revoke the license. And there should be no appeal from their decision.

Of course it will be objected that this plan places too much power in the hands of the Excise Board. Well, if you give men

in this position so little power that they could not possibly do any harm, you make it impossible for them to do any good. There is not the remotest likelihood that such a board, elected by the people, could be unduly influenced to grant a license to a man of known unfitness or to drive a decent, law-abiding liquor dealer out of business. There would certainly be far less likelihood of abuse of power under such a system than there is now under the Local Option system. For, under the latter system, a bare majority of the voters can, at one stroke, revoke every license in the town without trial or hearing or reason. The most reputable liquor dealer is no safer than the dive keeper. The proposed plan is home rule of the right kind. It gives the people all the power they need to regulate, but no power to destroy and confiscate. Under this system, the liquor business would be placed on a permanent footing. Every dealer would be absolutely sure that his license was secure as long as he obeyed the law and conducted his business decently. The only persons that would be put out of business would be the disreputable liquor dealer and the prohibition agitator.

